

**ISLAND COUNTY PLANNING COMMISSION
SUMMARY MINUTES
COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA
MONDAY, April 25, 2016**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>	<i>Val Hillers</i>	
	<i>Dean Enell – Chair</i>	
	<i>Karen Krug</i>	
<i>District 2</i>		<i>Jeffery Wallin</i>
	<i>George Saul</i>	
	<i>Darin Hand</i>	
<i>District 3</i>		<i>James Caspers</i>
	<i>Beth Munson – Vice Chair</i>	
		<i>Scott Yonkman</i>

Meeting was called to order at 2:00 p.m. by Chair Enell.

ROLL CALL

Beth Munson, Karen Krug, Dean Enell, Val Hillers, Darin Hand, George Saul

Planning staff present: Director of Community Development Hiller West; Interim Director of Long Range Planning Keith Higman.

MINUTES TO APPROVE:

Commissioner Hillers moved to approve the March 28, 2016 Planning Commission meeting minutes. Commissioner Hand seconded; motion passed unanimously.

DIRECTOR'S REPORT

Director West noted that permit activity remains high. The Planning Department is receiving 50% more land use and building permit applications than at this time last year.

- Commissioner Munson asked whether these figures include commercial activity.
 - Mr. West responded that the figures represent residential permits. Commercial permits are not significantly higher at this time.
- Commissioner Saul inquired what the average wait times are for the average residential permit.
 - Director West responded that at the current time, applicants can expect to wait 75 to 90 days, but when volumes increase in the summer, those times may increase to 120 days. This is in part due to staffing issues. He noted that the staffing outlook this year is dependent on whether last year's permit revenue can be channeled into either hiring another employee or an on-call service.

ITEMS FROM THE PUBLIC

Susan Bennett 2191 Goss Ridge Rd., Freeland

Ms. Bennett asked when there would be a review of logging and forestry regulations. She wanted to know whether this discussion is scheduled for before or after the June Comprehensive Plan Update deadline.

- Director West stated that he thinks a workshop for this item can be scheduled for the May 9th meeting. He will ask Public Works staff to attend this meeting to help answer questions, as they are the ones who review clearing & grading permits. He will also ask someone from the Department of Natural Resources (DNR) to attend.

WORKSHOP DISCUSSION ON PROPOSED AMENDMENTS TO TITLES 16 & 17 OF ISLAND COUNTY CODE (PHASE II)

Director West stated that the Planning Commission's recommendation on Phase I Amendments had been forwarded to the BOCC. Now staff is presenting Phase II Amendments, which includes substantive and housekeeping changes. There are too many amendments to be considered in one meeting, so he asked the Commissioners to decide in what order they would like to consider amendments. Mr. West stated that the Commissioners should not rush to get these done quickly; rather, they should move forward incrementally and with determination.

- Mr. West suggested that the Commissioners could evaluate the amendments in the following groups:

Lots:

17.02.050(4.b.2&3) Reconcile Buffer averaging
17.03.060.C.5 Rural Zone reduced lot size policy clarification
17.03.040 Lot Area calculation
17.03.040 Lot Width definition

Housing:

17.03.040 Farm Housing
17.03.180 Reconcile Group Home regulations
17.03.040 Define Camping
17.03.060 Regulation of Kennels and home breeding operations
17.03.040 & 17.03.180.K Specialized instruction as a Home Occupation

Miscellaneous/Definitions:

17.03.035 Clarify 120-day permit review period
17 Allow for expiration of permits after a certain time has lapsed
17.03.120 RAID Zoning designations
17.03.180.W.3.b Setbacks in lots that are less than one acre in size
17.03.040 Define Applicant
17.03.180.T.1 Strike preamble reference to Rural Zone
17.03.180.T.5 Clarify Equestrian Centers
17.03.050.G.7 Remove reference to Transfer of Development Rights

Winery:

17.03.040 Define winery

Discussion clarified the following points:

- **17.02.050(4.b.2&3) Reconcile Buffer averaging:** Mr. West suggested that this portion may require a rewrite. Current Code may be causing some confusion in regards to Buffer averaging on lots that were created before October 1, 1998.
- **17.03.060.C.5 Rural Zone reduced lot size policy clarification:** Rural Zoning requires five-acre lots, however, there are provisions for reducing this. Lots can be reduced by 10% at the discretion of the Planning Department. There is also an averaging provision in which some lots as small as 2.5 acres may be created, as long as that size is compensated for by the other lots in the division.
- **17.03.040 Lot Area calculation:** Determine whether tidelands should be included in the calculation of Lot Area. Tidelands are currently included in total Lot Area, even though tidelands are unbuildable. The Prosecuting Attorney's office will be brought into this discussion to ensure we remain consistent with state law.
- **17.03.040 Lot Width definition:** The definition of Lot Width has created confusion in the past. Mr. West advises redefining Lot Width so that the intent is clear.
- **17.03.040 Farm Housing:** Code needs to clarify the difference between Single Family Residences (SFR) and temporary farm worker housing. Often these dwellings exceed allowed densities for a Rural Zone and should not be treated as SFRs.
- **17.03.180 Reconcile Group Home regulations:** Home Occupation regulation currently applies to Group Homes, but Group Homes are separate and different and should be regulated as such.
- **17.03.040 Define Camping:** Current Code does not have a definition, specifically in reference to situations in which people are living in Mobile Homes or trailers on their land. Currently, Mobile Homes are not considered SFRs.
- **17.03.060 Regulation of Kennels and home breeding operations:** Clarify criteria for determining whether an operation is considered a Home Industry or a commercial Kennel. Animal Control would like to see stricter regulation of home breeding operations.
- **17.03.040 & 17.03.180.K Specialized instruction as a Home Occupation:** This can be a School or Home Occupation, but is not a Home Industry, and our Code should clarify that.
- **17.03.035 Clarify 120-day permit review period:** This implies that the Planning and Community Development Departments intends to review Type I & II permits within 120 days, when in fact it is our goal to review these permits more quickly. Mr. West said it may be better to refer to the current statute in this case rather than having a specific review timeline.
- **17. Allow for expiration of permits after a certain time has lapsed.** Mr. West noted that a common expiration time frame is six months or longer for subdivisions.

- **17.03.120 RAID Zoning designations:** Identify all of the allowed and prohibited uses in Rural Conservancy Zones and how that relates to what is permitted in RAIDs. The language in our current code is inconsistent in different RAIDs.
- **17.03.180.W.3.b Setbacks in lots that are less than one acre in size:** Reasonable Use may dictate that depths of less than 20 feet are permissible in certain cases. Mr. West noted that in this section of Code, the term “Reasonable Economic Use” is used but not defined.
- **17.03.040 Define Applicant:** Should refer to Land Use and Land Division.
- **17.03.180.T.1 Rephrase preamble reference to Rural Zone:** This lists Rural Zone, but then gives examples of uses in other zones.
- **17.03.180.T.5 Clarify Equestrian Centers:** This should read “breeding or rental of horses.”
- **17.03.050.G.7 Remove reference to Transfer of Development Rights:** The County does not currently administer a Transfer of Development Rights program.
- **17.03.040 Define winery:**
 - Director West noted that this definition should be evaluated separately from “Rural Event Center” and “Special Events in Rural Zones.”
 - This definition has been requested by winery owners as well as the Hearing Examiner.
 - Mr. West directed the Commissioners’ attention to material from their packet that includes different Washington State jurisdictions’ definitions as examples.

Chair Enell asked for public comment.

Steve Erickson, Whidbey Environmental Action Network

17.02.A. In the wetlands ordinance that was adopted in 2008, there was a mechanism that determines whether development is high or low intensity, which will in turn determine the buffer width. Mr. Erickson noted that this should be properly keyed into lot size, but that parcels of one acre are falling through the gap.

Carl Comfort

4361 Witter Rd., Langley

Mr. Comfort would like to see a distinction made between a house with cooking and bathroom facilities, and a room where somebody stays. He suggested in the case of wineries at least, some work is done by college students who have no interest in living with limited facilities for extended periods of time.

Steve Erickson, Whidbey Environmental Action Network

Mr. Erickson noted that there is no need to reinvent the wheel in this case, and suggested that Commissioners first review state standards for guidance.

Tim Kangas

6030 McMaster Rd., Freeland

Mr. Kangas stated that there is a rural event problem in Island County. There is a documented land use Code, which works when it's followed, but it is not followed nor enforced. We have a confusing, contradictory, incomplete and poorly defined temporary event policy. There is no documented definition of events. The absence of this definition is being abused to restrict enforcement of temporary events. Because there is no definition, other sub-element event terms are being used by County officials to restrict enforcement of Code in these matters. Other terms being used are Tours, Weddings, Barn Dances, Farm Tours, Farm Dinners, Agritourism, Ancillary Businesses, Wineries, etc. Mr. Kangas believes that if these terms are being used, then they need to be defined. Mr. Kangas said that Island County residents do not support events that destroy the special character of Whidbey Island. These types of events destroy rural quality of life, regardless of the name of the event. He referenced a San Luis Obispo County Grand Jury report from 2013 called "An Event is an Event; an Impact is an Impact." He stated that Island County must address the Rural Event Center process, definitions, code enforcement and ethics problems.

Mr. Kangas then informed the Planning Commission what Merriam-Webster's definition of Definition is. He noted that documents containing suggestions for fixing the Rural Event Center problem had been forwarded to the Directors, Staff and Prosecuting Attorney's office and a selection had been given to the clerk for appropriate copy and distribution.

Chair Enell closed public comment and asked the Commissioners for further discussion.

Director Higman noted that the Long Range Planning Department's goal is to evaluate definitions of winery and Rural Event Center as part of the Rural Lands discussion just after the Comprehensive Plan Update. There have been several public workshops on these topics, but it seems that there are still many unanswered questions. He stated that our new goal is to restructure the Comprehensive Plan work so that it is evenly distributed over the 8-year period, rather than waiting until the last year then tackling all the work at once. The Rural Lands discussion is top priority, along with Affordable Housing.

- Commissioner Saul asked if defining winery should come first.
 - Mr. Higman advised the Commissioners that in most cases, a definition is used to define something, not categorize it. He would like to see two separate discussions here: "What is a winery?" and "What can you do in a winery?"
- Commissioner Hillers feels it would be best to define winery as part of the Rural Lands discussion. She hesitates to define it now, since the Commissioners may be acting on incomplete information. She noted that we should also include cideries, distilleries and breweries in this discussion.
- Commissioner Enell would like to go ahead and define winery as part of the Code cleanup process. He believes that winery would be easy to define; the challenge would lie in defining and categorizing Rural Event Centers.

- Mr. Higman said that discussion of the following elements will help categorize Rural Event Centers:
 - Facility size
 - Intensity of use
 - Frequency of events
 - Location
 - Setbacks
 - Property attributes
 - Hours
 - Noise levels
 - Crowd size
 - Enforcement/Compliance
 - Access and parking

Chair Enell asked for public comment.

Tim Kangas, Freeland

Mr. Kangas said that we have undefined terms and a rural event process that is causing problems, and this discussion has been tabled to some future date. Are we intending to move forward with the winery definitions as part of the amendments to the Comprehensive Plan?

- Director Higman noted that as part of the Code cleanup process, we have attempted to identify and address those items that are necessary as part of the Comprehensive Plan Update. The items that Mr. Kangas brought forward are not considered necessary as part of the Update.
- Director West stated that there is a third round of Code amendments (Phase III) upcoming. Those amendments will address implementation of the Comprehensive Plan Update.

Carl Comfort, Langley

Mr. Comfort stated that Rural Event Center is defined in Island County Code already, and he would like there to be a discussion now about wineries. Mr. Comfort then noted that as far as access and parking, Payless Foods in Freeland has 100 spaces that are continuously filled throughout the day, every day. At some other venue, such as a winery, an owner is required to have the maximum number of spaces he might need, whether or not he will actually fill them.

Mr. Comfort also pointed out that other jurisdictions had already adopted successful winery definitions, and many of those would be appropriate for use in Island County.

In the Case of Comfort winery, we were required to establish a permanent road and permanent parking lot before we were allowed to host a temporary event. It cost tens of thousands of dollars to put in a road, and a winery owner may want to know that his investment in his community will be appreciated and allowed. A winery is not a Rural Event Center. It isn't an outlandish idea to allow a winery to hold gatherings, weddings and tours.

Mr. Comfort believes that we do not have a winery or Rural Event Center definition problem in Island County. We do have a very small group of people who complain to County officials every week. These people have lived next an unlicensed wedding venue. Comfort Winery has followed all the rules; we have applied for all the proper permitting and licenses.

Mr. Comfort stated that in Island County, Rural Event Centers are not permitted in Commercial Ag zones, and yet there are three of them currently operating in this county.

This issue needs to be resolved, or it will impact a winery that has been voted one of the top ten wedding venues in Washington State [Whidbey Island Winery, in *Tasting Room* magazine.]

Rita Comfort

4361 Witter Rd., Langley

One reason that this is a big issue in Island County is that wineries that are trying to do the right thing and remain wineries need more income to survive than just growing grapes and selling a bottle of wine or two every hour in a tasting room. Events that bring in 50-150 people are not frequent but bring in the bulk of our income, and provide a positive economic impact for the entire island. They bring money in through lodging, restaurants, florists and others.

Chair Enell asked for further comment, and when none was forthcoming, closed public comment.

Commissioner Saul moved to adjourn, Commissioner Hillers seconded, motion carried unanimously.

Meeting adjourned at 4:00 p.m.

Respectfully submitted,

Allegra Clarkson